IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

CHRISTA TAYLOR,

Plaintiff,

\$ 1:22-CV-01328-ADA

v. \$ 8

ROOT INSURANCE COMPANY,

Defendant. \$ 8

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Mark Lane. ECF No. 32. The Report recommends that Defendant Root Insurance Company's Motion to Dismiss Plaintiff's Class Action Complaint (ECF No. 15) be **GRANTED** and the Complaint be **DISMISSED** with **PREJUDICE**. The Report further recommends that Plaintiff's Request for Leave to Amend her Complaint be **DENIED**. The Report and Recommendation was filed on July 25, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider "[f]rivolous, conclusive, or general objections." *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on August 8, 2023. ECF No. 33. And Defendant filed a response on August 22, 2023. ECF No. 34. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objection to the report and

recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Lane, ECF No. 32, is ADOPTED.

IT IS FURTHER ORDERED that the Plaintiff's objections are OVERRULED.

IT IS FURTHER ORDERED that Defendant Root Insurance Company's Motion to Dismiss Plaintiff's Class Action Complaint (ECF No. 15) is **GRANTED** and the Complaint is **DISMISSED** with **PREJUDICE**.

IT IS FINALLY ORDERED that Plaintiff's Request for Leave to Amend her Complaint is **DENIED**.

SIGNED this 22nd day of August, 2023.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE